

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

All cases

ALLERGAN FINANCE, LLC

Third Party Plaintiff,

v.

PFIZER INC. and KING
PHARMACEUTICALS, INC., n/k/a KING
PHARMACEUTICALS LLC,

Third Party Defendants.

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**PFIZER INC. AND KING PHARMACEUTICALS LLC’S MOTION FOR ORAL
ARGUMENT ON MOTION TO DISMISS ALLERGAN FINANCE, LLC’S THIRD
PARTY COMPLAINT**

Third Party Defendants Pfizer Inc. and King Pharmaceuticals LLC (collectively, “Pfizer”) respectfully request that the Court hold oral argument on their Motion to Dismiss Allergan Finance, LLC’s (“Allergan”) Third Party Complaint. Pfizer submitted its Motion to Dismiss on October 1, 2018 (Dkt. 1014) and Allergan submitted its Opposition on November 30, 2018 (Dkt. 1159).

Courts in this District overseeing multidistrict litigations have found oral argument helpful in clarifying the issues before the court. *See, e.g., In re Polyurethane Foam Antitrust Litg.*, 799 F. Supp. 2d 777, 781 (N.D. Ohio 2011). Here, Pfizer’s Motion and the

parties' briefing raise complex and unique issues such that oral argument would be particularly appropriate.

The issues involved in this Motion include whether Allergan's Third Party Complaint should be dismissed from this MDL in light of a forum selection clause that specifies a different forum for the claims Allergan has asserted; whether and to what extent this Court has subject matter jurisdiction over Allergan's third party indemnification claims; the respective roles of this MDL Court and the Judicial Panel on Multidistrict Litigation; and the proper interpretation of a Case Management Order issued by this Court. Given the complexity of these myriad issues, and the burden placed on this Court by this extraneous third-party dispute, Pfizer submits that oral argument would help clarify the issues before the Court and expedite resolution of Pfizer's Motion to Dismiss.

For the foregoing reasons and for good cause shown, Pfizer respectfully requests that the Court hold oral argument on the Motion.

Dated: December 14, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2018, a copy of the foregoing **Motion For Oral Argument On Motion To Dismiss Allergan Finance, LLC's Third Party Complaint** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: December 14, 2018

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